CERTIFICATE OF EXEMPTION
FROM DEPARTMENT OF FISH & GAME FILING FEE

FINDING OF DE MINIMIS IMPACT

Project Title: AERC.COM, INC.
Class 2 Permit Modification to Existing Standardized Hazardous Waste Facility Permit

State Clearinghouse Number:

Contact Person: Jennifer Smith Grubb Phone # (510) 540-3779

Project Location (*Include County*):
30677 Huntwood Avenue, Hayward, CA 94544. Alameda County.

Project Description:
AERC made a Class 2 permit modification request application on May 24, 2002, subsequently amended the request on March 1, 2004 in accordance with the California Code of Regulations, Title 22, section 66270.42(b).

The Class 2 modification consists of the following:

1) authorization to change the facility name and facility layout;

2) authorization for the use of an improved fluorescent lamp crusher LSS1 machine to process lamps at rate of 3500 lamps per hour of T-12 (4 foot) lamps or 5250 lamps per hour of T-8 (4 foot) lamps;

3) update of the facility's closure cost estimate;

4) clarification of the filtration system used for high intensity discharge (HID) lamp processing;

5) authorization to combine crushed glasses and metal from HID process and fluorescent lamp process, and eliminate testing of lead in crushed glass and metal;

6) authorization to accept additional hazardous waste streams for storage:
   (a) previously crushed and broken lamps in sealed 55-gallon drums (generally from out-of-state generators), stored up to 90 days;
   (b) non-leaking lighting ballasts that may contain small amounts of polychlorinated biphenyls (PCBs) for storage for no more than 30 days;
   (c) metallic mercury in lab packs stored up to 90 days; and

7) to specify the storage capacity of fluorensent and HID lamps.

The modified permit for AERC limits the hazardous waste types, quantities and treatment capacity. The following wastes can be stored at AERC if the Class 2 modification is approved:

Waste Type	**Current Permitted capacity**	**Current Storage time**	**Modified Permitted Capacity**	**Modified Permit Storage Time**
Phosphor powder	10,000 pounds (Equiv. 15-16 drums)	90 days	16 drums	90 days
Non leaking PCB containing lighting ballasts	N/A	10 days as transporter exemption	28 drums	30 days
HID inner capsules	16 drums	90 days	16 drums	90 days

Plant debris	32 drums	1 year	32 drums	1 year
HID lamps	Stack no more than 10 feet	90 days	12,000 lamps*	90 days
Mercury containing flourescent lamps	Stack no more than 10 feet (intact lamps only)	90 days	78,000 lamps* (including crushed lamps)	90 days
Metalllic liquid mercury	10 gallon (onsite generated) (Equiv. 1133 pounds)	90 days	1133 pounds received from offsite in lab packs	90 days

***** Combined storage for HID and fluorescent lamps is dynamic and total number cannot exceed 78,000 lamps at any time. The maximum number of HID lamps cannot exceed 12,000 lamps.

AERC, Hayward facility is located in an area zoned for industrial use. AERC collects spent fluorescent and HID lamps, and transports them to the facility on a standard bill of lading. AERC also accepts these wastes from other transporters. The spent lamps are unloaded manually or with a forklift, and placed into the lamp storage area of the facility. Occasionally, before unloading, spent lamps may remain overnight in the enclosed truck or trailer in which they were transported.

AERC/Mercury Technology Inc. was previously permitted to treat T-12 (4 foot) fluorescent lamps at rate of 1,250 lamps per hour. With the improved and more efficient design of the lamp crusher, LSS1 is able to treat 3,500 lamps per hour of T-12 (4-foot) lamps or 5,250 lamps per hour of T-8 (4-foot) lamps. The lamp feed rate can vary with the type of lamp. The LSS1 has increased efficiency and can better process mercury-containing lamps at higher feed rate.

Since 1997, sampling of crushed glass and metal end caps has been taken separately from fluorescent lamp process and HID process and tested for both mercury and lead. The past sample results have demonstrated that there was no lead present in crushed glass and metal end caps. Therefore, the testing for lead is no longer needed and will be deleted. AERC will combine the crushed glass and metals from both processes and continue to sample and test mercury in the crushed glass and metal end caps.

The existing permit allows AERC to store and stack fluorescent lamps and HID lamps up to 10 feet. There are no design capacity limits for the number of intact fluorescent and HID lamps. The permit modification will set a storage limit. The maximum number of HID lamps will be 12,000 lamps. The total number allowed for both fluorescent and HID lamps will be no more than 78,000 lamps.

The existing permit allows AERC to store liquid mercury (up to 10 gallons of mercury, about 1,133 pounds) generated from lamp crushing process. AERC will not generate liquid mercury. The permit modification proposes storage of metallic mercury in lab packs. The storage capacity for metallic mercury in lab packs does not increase beyond the present storage limit for liquid mercury.

AERC occasionally receives small amounts of the older lamp ballasts with sealed PCB-containing capacitors. These ballasts are managed as hazardous waste. Lighting ballasts with components containing small amounts (under 5 milliliters) of polychlorinated biphenyls (PCBs) are received and stored in sealed DOT-approved containers to be shipped to authorized off-site treatment or disposal facilities. Currently AERC transfers ballasts within 10 days as a function of transporter. With the modification, AERC will store PCB-containing non leaking ballasts up to 30 days.

By accepting additional waste streams such as lighting ballasts, and metallic mercury in lab packs, no significant additional traffic is anticipated as these waste items are incidental and often commingled with fluorescent lamps. Thus, although storage and treatment capacity have increased, there is no significant additional impact in transportation or air emissions because of this permit modification. Safe management practices, operating procedures, inspection program, and the facility's emergency plan will ensure environmentally safe operations.

All hazardous waste shall be stored in sealed containers within designated areas inside the AERC facility. Any spillage of the dry hazardous components of the lamps will be vacuumed and processed back into the LSS1 mercury reclamation system. Any hazardous waste that cannot be processed through the facility will be placed in DOT-approved containers and manifested to an authorized treatment or disposal facility.

(May 24)

Findings of Exemption:

The Department of Toxic Substances Control (DTSC) prepared an Initial Study pursuant to the California Environmental Quality Act[1] and implementing Guidelines[2] that evaluated the proposed project for the potential for adverse environmental impact. Considering the record as a whole, there is no evidence before DTSC that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depend.

Findings supporting this declaration are contained in Section V. Finding of De Minimis Impact to Fish, Wildlife and Habitat of the Initial Study. This section, and any other portions of the Initial Study it references, is attached.

Certification:

DTSC certifies that the evidence contained in the record supporting the findings herein are true and accurate and declares that it has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in title 14, California Code of Regulations, section 753.5(c).

DTSC Branch Chief Signature		Date
		(916) 255-3716
Mohinder Sandhu	Branch Chief	
DTSC Branch Chief Name	DTSC Branch Chief Title	Phone #

[1] Public Resources Code § 21000 et seq.
[2] Title 14, California Code of Regulations, Division 6, Chapter 3, §15000 et seq.